MONTANA LEGISLATIVE HISTORY

Chapter 243 19 53

Bill H 74 S _____ Original bill & history ___C

H. Committee on _____		S. Committee on Public Health & Safety	
Hearing Date(s) _____	___C	Hearing Date(s) Feb 02	✓ C
_____	___C	Feb 15	✓ C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out _____	___C	Feb 24	✓ C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

No House minutes exist

PUBLIC HEALTH & SAFETY

Public Hearing on House Bill #74--Licensure of Practical Nurses

February 2, 1953

Proponents:

Mrs. Louise Salter: (Practical Nurses Association) Each meeting of the professional nurses association brings out the fact that the practical nurses should be licensed. The practical nurse and the professional nurse working together can bring about better nursing conditions. There are not many practical nurses in Montana at present and there will not be many until practical nurses are licensed. The Montana State Nursing Association is planning to have an insignia to be worn on the arm of the licensed practical nurses--LPN. There is a rumor that a feeling exists between the practical and professional nurses that is not good. This is not true.

Mrs. Bradford (Practical Nurses Assoc.) The practical nurses are organized in Montana and the name has been incorporated. Thirty-eight states ~~xxxxxxxxxxxx~~ have licensed practical nurses. I hope Montana can be the thirty-ninth. The Northern Montana State College at Havre offers a one year course and is the only training school in the state for practical nurses. Two classes have completed this course and a third is in the process now. By licensing practical nurses, more girls will want to go into this profession. Important to the people of Montana is the insurance of qualified nursing care as set up in House Bill #74.

Mrs. Dawson (Graduate practical nurse, employed at the State Hospital at Warm Springs). At the present time at the State Hospital there are 1900 patients. There are 15 registered nurses and 20 practical nurses. Some 250 employees have taken classes of instruction at the Hospital to help out the practical

and professional nurses. Licensing practical nurses will serve to secure as members all people who are practical nurses. Licensing will be a means of protection totthe practical nurse herself against unqualified people who set themselves up as practical nurses but are not. The practical nurse relieves the professional of some of her duties as the professional nurse relieves the doctor of some of his duties. The practical nurse is an important part of the hospital staff at the Montana State Hospital at Warm Springs. A statement by Dr. Spratt, Superintendent of the Hospital, (read) says that he is in favor of the licensing program of practical nurses. He has been unable to find enough professional nurses to work at the Hospital. The practical nurses can accept some of this responsibility.

Elsie Flynn, President of the Montana State Nurses' Association. I've just returned from New York where I attended the Advisory Council meeting. One of the nurses at this assembly was from Wisconsin and she told that Wisconsin was the thirty-eighth state to pass the practical nurses licensure law. Practical and professional nurses can work together. Practical nurse, professional nurse and doctor should work as a team. Registered nurse works under the doctor, and the practical nurse works under the registered nurse. This gives better nursing care for our people. This morning we had word from District #2 that the bill now being introduced in this Legislature was not the same bill as sent out in September; but this bill is substantially the same. There are some changes in the various sections and the definition of practical nurses was changed at the request of nurses from District #2. At all times we have attempted to be fair, never at anytime shown any discrimination toward any district. We are interested in good nursing service for our state. Montana Nurses Association, Practical Nurses Association all working together for the betterment of nursing care in Montana

Anne Cassidy, MSNA, State Chairman of the Legislative Committee of the State Nurses' Association. It is the duty of the professional nurses to assume the responsibility for providing safe nursing care for the public. That is why the State Nursing Association voted in October to support this bill. We are told by the opposition that this bill is altogether different from the bill they were in favor of. It is the same bill. The only changes made are those redommended by the opposition. Some of the language was changed. The Board for licensing practical nurses will consist of five professional nurses and three practical nurses. We believe the professional nurses should be predominant on the board. Practical nurses will have to pass an examination before receiving their licenses. Minimum two-year high school course required. There has been objection to using the term "nurse" for the practical nurses. However, nurses (professional) have no right to claim this term just for themselves any more than doctors can regulate who shall wear a white uniform such as is worn by barbers, beauticians, etc. About the specifications of the practical nurses' duties. Doctors and Hospitals will not ask a practical nurse to do anything for which she has not been trained. We must do something that will stimulate practical nurses. The State Hospitals at Warm Springs and Galen could not exist were it not for the practical nurses. Our little hospitals all over the state have to hire people who are trained on the job. Practical nurses themselves have asked that we do something that will raise their standards.

Dr. J. M. Flynn, Montana Medical Association. We have studied this bill since it first was started some years ago. The present bill is the same bill presented to us in September. At that meeting it was unanimously resolved that the Montana Medical Association get in back of this bill. Hospitals cannot run without this

auxiliary help. They cannot monopolize the nursing field. The need of the professional nurse will not deteriorate. The team of practical and professional nurses is very much needed. Miss Flynn mentioned that the remuneration was changed from $10 to $15 a day. But that is for members of the Board. I urge you gentlemen to consider this bill seriously and remember the need for this bill.

Sister Eugene Teresa, MSNA. First among the functions of the Nurses Examining Board is the education and supervision of professional nurses. Under Bill #74 these functions are enlarged to include the supervision of the practical nurses. The members of the Board of Examiners urge the acceptance of House Bill #74. The members are interested in providing educational standards for the patient citizen of Montana. I wish to clarify a statement about the abolution of the three year schooling for nurses. By introducing the schools for practical nurses, the three-year school for professional nurses will in no way be abolished. Certainly there is room for all three types of nursing: the practical, the three-year and the college graduate nurses.

Mrs. Eugenia Livingston, MLN, The Montana League of Nurses endorses and supports House Bill #74, chiefly because it is in agreement with the educational objectives and policies of the Montana School of Nursing.

Mary Pisto, President MSOSN. I represent the student nurses of Montana who support House Bill #74. As future registered nurses, we feel the need of the practical and professional nurse team.

Mr. Lynge, speaking in behalf of the Hospital Association of Montana. At its September meeting we were unanimously in favor and in support of the Practical Nurse Bill as it was presented at that time. I can see no basic change or difference that would readily affect the status of the bill in any way and it is the belief of the

hospitals in Montana that this bill is necessary if the practical nursing practice is to be raised. Certainly there is no incentive to open a practical nursing school school without licensing the graduate practical nurse. On behalf of the Montana Hospital Association, we are in favor of House Bill #74.

Sister Mary Victoria, Catholic Hospital Association. We have many Catholic hospitals in the state and I wish to state that the Catholic Hospital Association goes on record as favoring House Bill #74.

Lyle Roeseler, Supervisor of the Trades Departments Dept. of Public Instruction. There is state and federal educational money available to training people who wish to become or who are in practical nurse work. We have not had many requests for use of these funds. In fact until you license practical nurses, I do not think we will have many demands for these funds. We feel and we do know from experience of other states that once you have licensure, we will have demands for training.

Representative R. C. Bricker, Cascade County. I have been a member for a long time of the Board of Trastees at the Deaconess Hospital in Great Falls. In the administrative part of the hospitals and in trying to take care of the sick, it has become a serious problem without some training for the practical nurses. Here you have people who want to take training and become good help in the hospitals. We have tried for 20 years to get certification for practical nurses. You would not have them without the professional nurse and doctors. We need three times as many girls taking the training. But the most necessary thing today is to get the licensing bill through. The Armed Forces are taking more of our professional nurses all the time. We just have to have help and bedside care. You cannot afford to pass up this bill. Maybe it can be amended but

Helen Reed (Butte). I represent the rank and file of the registered nurses. We are going on record today as opposing House Bill #74. We object to this bill for many reasons. We think the licensing program for practical nurses needs to be reviewed and revamped. It is more than a challenge that we meet our obligations. It is necessary to move steadily forward and strengthen our standards. We do not feel that licensure of practical nurses is the answer to our problem of taking care of the sick and at the same time maintaining the high standards of nursing care. We are concerned as to the quality of the nursing care that will fall to our lot if this measure should succeed. Our need is for more nurses on the diploma level. Put the nurses back to the bedside and give the quality of nursing service which is safe. Gentlemen, there are many walking the streets of this nation because of some competent nurse. It is necessary to continue on with the high standards of nursing in order to meet the emergencies of today. The doctor visits the hospital once or twice a day but leaves the care of the sick to the registered nurse. We need auxiliary workers in the home and hospital and we have had them since time began. The nursing profession has never wanted to do without them. Train them and use them but do not license them. It is not right for girls to enter the practical nursing schools and then come out to compete with the registered nurse. It is a joint responsibility of the community. Practical nurses with a license will descend upon the people and we will not be responsible for the type of care they will receive. The three-year college nurse is being educated to become more of a doctor's assistant. Student nurses should do the bedside nursing only as labratory work. The place of the three-year R.N. would be taken by a two or three month practical nurse. ..... pressures have already closed some training schools in Montana. Nurse training is on the college level. Is the next step to replace the three-year registered nurse with a practical nurse of six months' training?

Is this what you want? We do not think so. Please consider the importance of this bill.

Margaret Lemm: Cause of this nursing shortage was after the depression when our nursing educators felt there too many nurses in the field. So the standards were raised so high that the average girl would not take nursing training. Then came the war. Nurses aids were brought into the hospitals, received no pay. That is where this bill all stems from. From then on the cost of student nurse training has been raised every year. Some of these people claim that the cost of training is all the way from $365 to $800 for a three year course. These claims are false. It is $800 to $1500. Then if those nurses want a college education, its two years more and $3000. What do the practical nurses pay? The Deaconess Hospital will give practical nurse training for one year at $47 for the first six months. Then the last six months the practical nurses are paid $110 while they are learning. Money is coming from vocational funds. This money comes out of the taxpayer's pocket. Student nurses pay their own way. It will be lowering the standards of the nursing profession if we license practical nurses. Putting these practical nurses in charge of vital departments. This bill gives the doctors and hospitals the right to hire untrained people. Displaced people from foreign countries earning much more than professional nurses in their own field. The hospitals hire trey girls whom they pay 65¢ and 75¢ an hour. Then they let these same girls feed patients, make up beds, etc. Cheap labor. Economic labor for the hospitals. The proponents are wondering why we nurses are fighting the duties of practical nurses. I believe the good doctors could not get up and tell you what the duties are of the practical nurse. She has the right to do practically everything the registered nurse does. The reason why you do not have enough registered nurses in your farm communities is that when you people have a serious illness, the doctor

takes such a patient to a hospital where there is professional nurse help. With this bill you will have poor care in the city hospitals. Have you seen this article in one of the recent magazines: "Have the new nurses hit your town?"? This shows how,in the states that have licensed practical nurses, the lincensure of practical nurses is not working.

Agnes Rogan: You cannot send the practical nurses to the war areas. Are you protecting the practical nurses with this bill?

Helen McCall: I have been on the legislative committe. We killed the last bill and I think this bill is much worse than the last one. If you are sick, you want the best of care.

Margaret Crowley: I have a list of the signatures of 167 nurses and 27 doctors who want this bill killed.

Helen Reed: Go back in the history of nursing 20 years ago, a period in nursing when there was no shortage. Nurses for every type of work. Then the depression came and the nurses felt the depression as much as everyone else. It was after the depression the nurses became aware of the Nurses Association in Washington, D.C., as being a figurehead. The talk began that there were too many nurses. They raised the standards of nursing so high and raised the cost of training so not so many girls would want to go into training. That is why there is a shortage of nurses today. Training practical nurses--6 months or even one year. Is it not just as easy to train a three year nurse, one who will be an asset to her community? As that student nurse progresses, she will be as fine a nurse at any period of her training.... When she graduates from her school of nursing, you will have a finished product. I urge everyone of you to put forth every effort to not take away the high quality of nurse training as it is today. Make it possible for everyone coming out of highschool to get this

REBUTTAL

Rogan: Don't you think in this bill we are giving the Board a lot of dictatorial power? It looks very queer. Four years ago when this bill was put up, the .....nurses withdrew from the Montana Nurses Association. We would like to see these practical nurses protected. Most of these girls are being underpaid.

Crowley: We feel this move is leading towards federalization. When we killed this bill two years ago, doctors sent us some pamphlets which had the names of several people who are in subversive activities.

Reed: Here is a thought I have been wondering about. Why is just Butte opposing this bill. We are told the medical profession is for this bill. But I wonder if all the doctors in the state took the time to read this bill like our doctors in Butte did. I wonder if they would still be for the bill then?

Flynn: I would like to see that list from Butte, please, with the signatures of those doctors. In my mind, it doesn't matter whether it is 27 or 87 on there. These men had a chance to talk with the House of Delegates and there was no opposition in the whole House. It was thoroughly read and discussed. About these pamphlets that were against giving federal money for school aid. I am still for this bill. I saw nothing brought up by the opponents that could change my mind. There is a need for the practical nurse. If the professional nurse doesn't keep up with today's new things, then she should be replaced. Team work of the practical nurse and professional nurse. I want to see this bill passed so the pactical nurse can be licensed and trained right.

A Sister: I am one of those people from Butte.in favor of the bill. All those who profess to be practical nurses today would

be licensed. But they must pass an examination. Someone was wondering whether or not the doctors in other vicinities had read the bill. I asked one doctor why he had signed this petition not to have the bill passed and he said because a registered nurse asked him to. The reason why some registered nurses signed was because they were told they would be unloyal to their schools of nursing if they did not.

Louise Lykins, Attorney for Professional Nurses: Montana requires barbers, beauticians, etc., to pass an examination and be licensed to practice. I think the people of Montana are entitled to that same thing with practical nurses.

Representative Bricker: I have been on the side of this bill, fighting for it. Registered nurses do not stay in the hospitals today. They go to work for the clinics, doctors, etc. ....Even the professional nurse in her third year of training has a lot of responsibility and yet she is not licensed. Cannot get these professional nurses to come and stay in the hospitals. The patients are not getting the bedside care without the practical nurse. There would be no surplus of professional nurses if we school and license the practical nurses.

Public Hearing held on House Bill No. 74 in the Governor's Reception Room on February 19, 1953. Senators Dokken, Anderson, Valiton, Wenger, Cotton and Angstman of the Committee on Public Health and Safety were present.

Helen Reed, representing the Butte nurses opposing the bill, spoke against the bill. Registered nurses have fought this bill for the past four years. Schools have not been established to train these girls who want to be licensed practical nurses. Why should a girl go through training for three years to become a registered nurse when practical nurses who are trained for one year are permitted to do many of the same things and get much the same pay.

Iris Munson; Do not believe that our profession (registered nurses) should be lowered by giving licenses to practical nurses.

Margaret Lemm: I am representing 178 Silver Bow registered nurses. We have fought the contents of this bill for four years rather than the practical nurses. This bill does not give the protection to the public, the registered nurse or the practical nurse. We say: Define the duties of the practical nurse--no medications, etc. As far as the color of the uniform, the white uniform has always belonged to the registered nurse. For 75 years we have fought and protected that uniform. Why should we give it to the practical nurse with one year's training or less. We are protecting the practical nurse as much as the registered nurse. Make the practical nurse's uniform a color. Furthermore, even with this bill, the doctors and hospitals can still hire unlicensed personnel. That is not protecting the practical nurse. They can hire trey girls for less money and then let them wait on the patients. The length of the course has not been defined in this bill. They started out with 3 months' training schools. The date set for opening these schools is not in this bill. The taxpayers are going to take care of these schools for

practical nurses. The registered nurse has not cost the taxpayer any money. Why haven't more girls taken up professional nursing? The reason is because it is too costly. The standards have been raised, thereby keeping out a lot of girls from training. Practical nurses can begin training for $47.50 for a six monthperiod and this includes her board, room and laundry. Then, she will receive $110 a month pay for the next six months' training. The registered nurse pays from $800 to $1500 for a year of training. Registered nurses receive different salaries. In some instances, they receive the same as a practical nurse. This is not fair.

Beatrice Dower, Butte: The same uniform fools the public when both practical and registered nurses wear the same. Should be some way by which the patient can distinguish between the two. The public has depended on our uniform for 75 years.

Senator Angstman: You say there is no quarrel between the registered nurses and the practical nurses. Where is the fight? Is it with the hospitals?

Dower: Yes, that is what we believe--they are trying to get cheap labor.

Angstman: Any reason why the fight is all from Butte?

Dower: Only because we have taken the time to study the bill.

Cotton: Did your group try to have the bill amended as to the uniforms?

Dower: We had very little voice in the drawing up of this bill.

Cotton: (repeated his question)

Mgt. Lemm: May I answer that question? Four years ago we asked the Montana Nursing Association to put these things into the bill but the president of that association said these things could not be put in the bill.

Anne Cassidy: Registered Nurse from Butte, Chairman of the Legislative Committee of the State Nurses' Association. This bill we have drawn up is patterned after the one set up by the American Nurses' Association. There are about 50, more or less, practicals nurses (trained) now working in the state. There are more nurses (register being trained in Montana than ever before. The white uniform is worn by beauticians, waitresses, etc. It is a matter of hospital policy. Student nurses are now earning $1.15 an hour in schools of nursing in the state. Personnel policies of hospitals are such that they regulate the duties of the registered nurses and the practical nurses.

Senator Angstman: What is the fight all about?

Cassidy: When the House of Delegates of our association met last fall to decide whether or not we should introduce this legislation, the vote was unanimous for this bill. There were three members of the Butte delegates who abstained from voting.

Dr. McGregor: (Great Falls) I appear her as a representative of the doctors in Great Falls and also of the staff of one of the largest hospitals in the state. At the meeting of the Montana Medical Association in Missoula last September, this proposed legislation received the unanimous support of all present. A short time before this meeting, it was decided by the practical nurse association and the registered nurses that they coordinate their forces in the forming of this bill.

R. C. Bricker, Representative of Cascade County: Be careful of amending this bill because it will be just the minority that will try to have this done. You will still have the registered nurse to direct the duties of the student nurse and the practical nurse. You have to have trained people to work in hospitals. That is why we want training schools for practical nurses.

Mr. Glore, Attorney from Butte: I am one of the attorneys who worked on this bill. Mr. E. G. Toomey of Helena was the other attorney. This was not done as a professional duty but out of respect and liking of the practical nurses. ~~Ixhaxexbeen~~ (To Senator Angstman: You ask why the dispute between the divisions of nursing activities? It is a misunderstanding more than a house divided.

Dr. R. Wynn Morris, Helena: I attended the Montana Medical Association meeting in Missoula. I was present when the action was taken on this bill. I insisted that we see a printed copy of the bill. It took me 90 days to find a copy after I returned home. I am not in approval of this bill. In the interests of better care for the patients, I recommend that this bill be indefinitely postponed.

PROPONENTS

MSPNA -

Mrs. Salter
Mrs. Bradford
Mrs. Dawson - Warm Springs
Mrs. Bulger
Mrs. Croman

MSNA -

Elsie Flinn
Anne Cassidy
Sister Eugene Teresa

NLN -

Mrs. Eugenia Livingston

Students -

Mary Lou Pisto - Pres. MSOSN
Kay Parker - Past Pres. "
Maxine Stevens - Treas. MSOSN
Miss Neimi

Attorneys -

Edmond G. Toomey
Miss Louise Lykins

MMA -
Dr. J. M. Flinn
Dr. W. B. Talbot

MHA -

Mrs. Edwin Grafton
Sister Eugenia
Mr. Lynge

Montana State College -

Mrs. Julia Hrdina

Catholic Hospital Association -

Sister Victoria

Legislators -

Mr. Norby
Sen Angstman
Sen. Valiton
Mrs. Bricker - wishes to be the last speaker
Sen. H. H. Dahlen

Consumers of Nursing Service -

Sen. Weydemeyer - Grange
Lyle Roeseler - Dept. of Public Instruction
James Umber - AFL
Mrs. Harold Wright, Past Pres. Assoc. Women of Farm Bureau
Lyle Standish - Farm Bureau
Mrs. J. B. Mast - Gallatin Nursing Council

Appointments

NCINS News letter

PUBLISHED BY THE NATIONAL COMMITTEE FOR THE IMPROVEMENT OF NURSING SERVICES

VOL. 2, No. 2, APRIL-MAY, 1952

2 PARK AVENUE • NEW YORK 16, N. Y.

Organizations in Agreement On Four Points To Improve Services

At the regular spring meeting of the National Committee for the Improvement of Nursing Services, held March 3-4 at the Hotel New Yorker, New York City, a discussion of the work of the Joint Subcommittee of the Joint Commission for the Improvement of the Care of the Patient and the NCINS was considered of such major importance that it played center-stage and down-stage much of the time during the two-day meeting.

For those of us who are always slightly befogged at the "joint" terminology, let us say hastily, that the above commission is made up of representatives from the American Medical Association, the American Hospital Association and the national nursing organizations.

It is significant that the component parts of this "joint" worked together smoothly, each having worked on the project at the fall meetings of their organizations. While the work of the Joint Subcommittee, of which Marion W. Sheahan is chairman, is still in progress, and the report of their recommendations not ready for release as this News Letter goes to press, we can say here that they are all in agreement on the four points on which depend the improvement of nursing services. These points are:

1. Well prepared nurses for faculty of schools and for administrative and supervisory services.
2. Effective in-service education to improve workers on the job.
3. More practical nurses properly prepared.
4. Experimentation in nursing curriculums. (Two year program was specified.)

Point two, relating to in-service education, received emphatic emphasis from the Subcommittee, and it can be safely predicted that when the Commission's specific suggestions come through this point will be strongly underscored. It is suggested now that state and national nursing organizations might be thinking of ways of promoting in-service education. The News Letter will welcome suggestions.

Possibly each state Committee for the Improvement of Nursing Services might consider the above areas in which activity is recommended in relation to their own state's nursing resources and needs.

Institutes Popular

Two more Nursing Service Administration Institutes are planned for this year. One is to be held the week of October 27 in Berkeley, California and the other the week of December 8 in Chicago. The institutes, sponsored by the American Hospital Association and the NCINS, have proved very successful. Here are a few comments from the persons who attended the Boston institute. "An excellent educational experience — topics pertinent to service needs of today — speakers well qualified," and "It is good to find that problems in all areas are so much the same and that general principles can be applied so profitably" *but* they also said: *"Try to get more hospital administrators to attend."*

Please do not send in your application until you receive an application blank. They will be mailed to all member hospitals of the AHA within two months of the institute dates.

Two More States Report Committees

The Joint Committee for the Improvement of Nursing Services, composed of representatives of the Colorado State League of Nursing Education and the Colorado State Nurses' Association, met recently to elect committee officers and to discuss immediate and long range plans. Mrs. Vesta Bowden, Chief of the Nursing Division of the State Health Department, was elected chairman and Miss Zelda Clarke, school nurse, was elected secretary.

The Louisiana State Nurses' Association has organized a Joint Committee for Improvement of Nursing Services with an advisory committee of 39 persons. This committee, includes representatives from the medical and hospital associations, the State Department of Education, women's clubs, labor, and social service agencies. It is planning long range activities based on a survey of nursing needs and resources made in 1950. The acting chairman is Carrie A. Spurgeon.

The filling-out of the News Letter questionnaire by these two brings the number of states with Committees for the Improvement of Nursing Services (or committees with a similar name and purpose) to thirty-seven.

Thirty-three States Are Represented At Five Head Nurse Conferences

Approximately 150 persons from 33 states have signed up for five two-and-one-half day working conferences on an analysis of the activities of the head nurse which are being cooperatively sponsored by the American Hospital Association, the United States Public Health Service and the NCINS. The registration for each conference (with the exception of Washington, D. C.) has been purposely held down to 20 persons.

As we go to press, the first of the conferences, which was held in Cleveland April 2-3-4, is reported as being an outstanding success by those who participated in it. Reservations are already filled for the following work-shops: St. Louis, April 16-17-18; New Orleans, April 21-22-23. Reservations are still being accepted for Salt Lake City, April 28-29-30 and Washington, D. C., May 5-6-7.

Ruth Gillan of the USPHS is the instructor for each of the conferences. Those who are eligible to attend are persons who will direct head nurse studies in their own hospitals, state hospital nursing consultants and faculty members from universities conducting programs in nursing service administration.

Chart I

Active Nursing Personnel in the United State

Non-Professional — Total 370,819

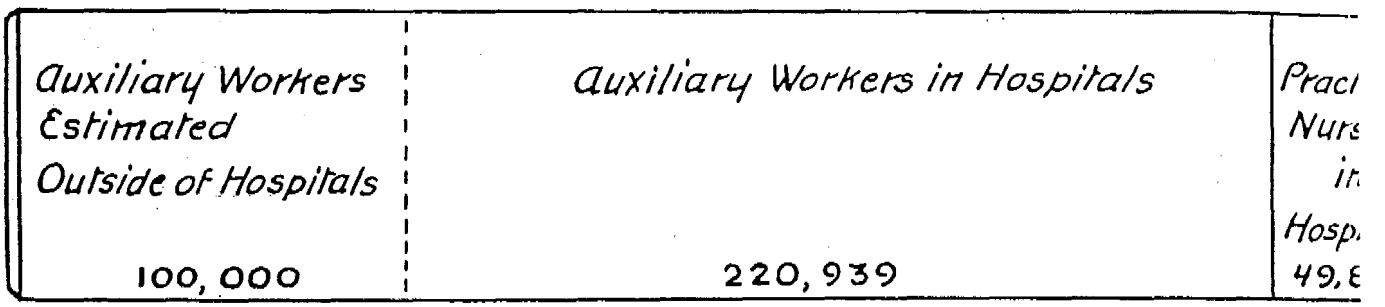


Chart II

Nursing Service Perso

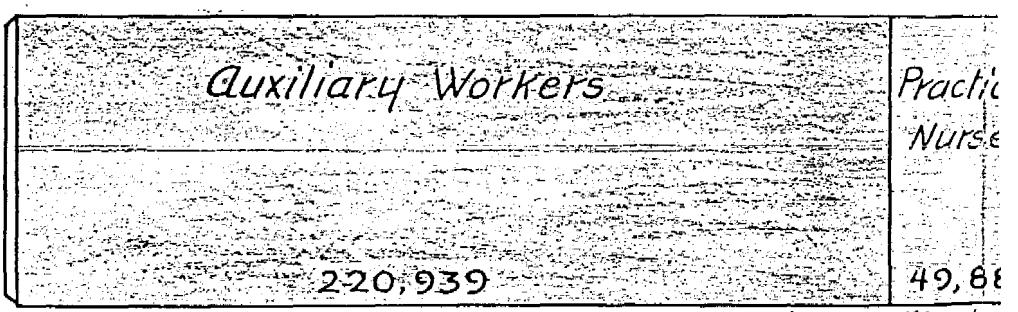
Non-Professional — Total 270,819

47 hospitals Mont. 789

Approximate Scale

50,000

1 inch



Montana - 47 hospitals - 1952

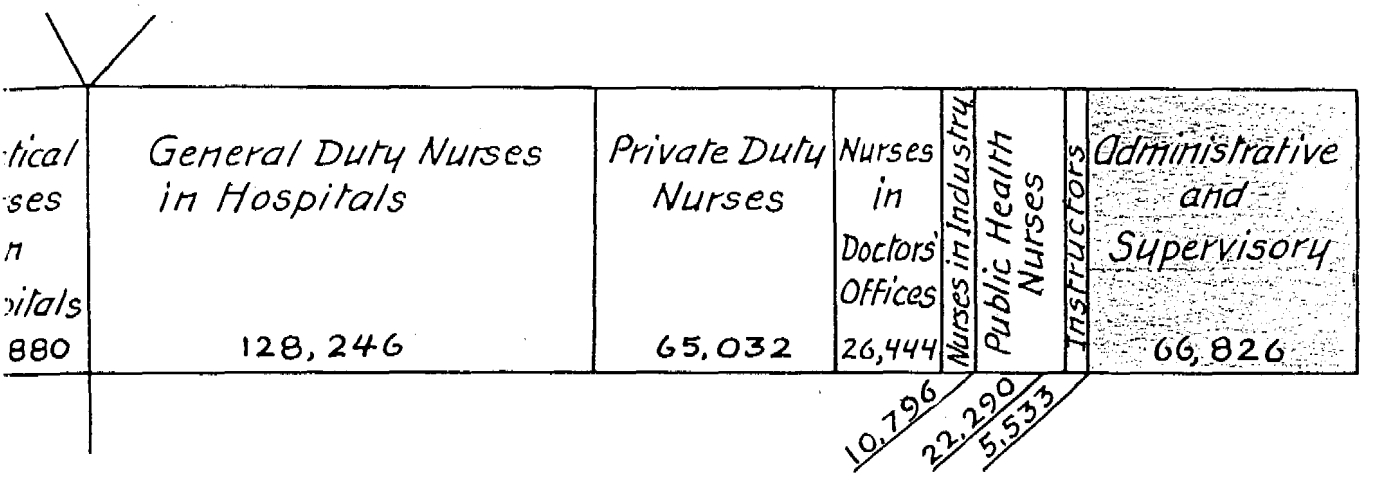
Mont. 789 Mont.

THESE charts were recently used by the NCINS in various national meetings of nursing groups to illustrate pertinent facts about the present nursing situation as a basis for planning improvements in service. As a result, requests for the charts have come from persons who saw them and feel that they can use them in planning for their own agencies, counties, states or regions. These requests have been numerous enough to warrant the NCINS printing them in this News Letter.

The figures used in the charts are based on *1951 Facts about Nursing* published by the American Nurses' Association with the exception of the 100,000 auxiliary workers employed outside of hospitals (Chart 1) which came from the practical nurse section of the United States Office of Education, Federal

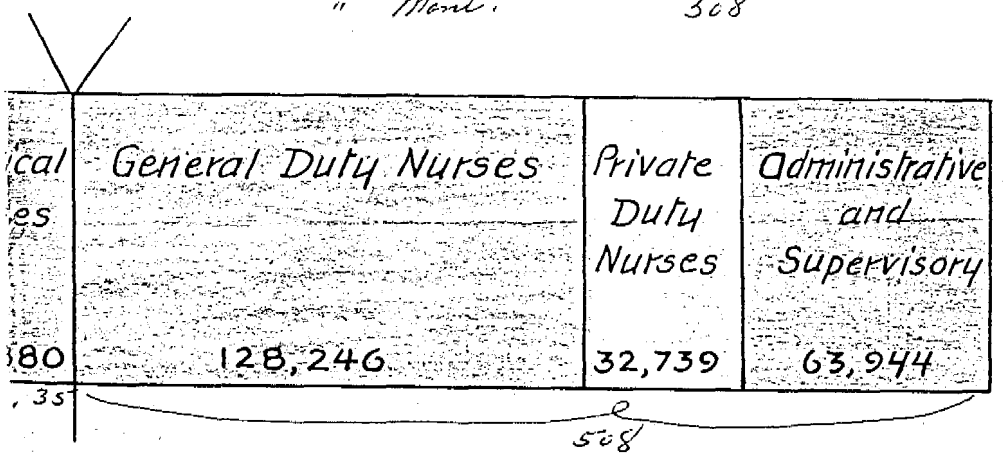
es and Territories by Fields of Nursing 1950

Professional — Total 325,167



nnel in Hospitals 1950

Professional — Total 224,929
" Mont. 508



Suggested Coloring of Charts

For heightened visual effect and for uniformity in presentation of the information given in Chart I and II, it is suggested that the various sections of the bar be colored as follows.

Light red.....Auxiliary workers
Dark red.....Practical nurses
Blue.....General duty nurses
Green.....Private duty nurses
Orange.....Nurses in doctors' offices
Yellow.....Nurses in Industry
Brown.....Public Health nurses
Purple.....Nurses in administrative or supervisory positions

Security Agency. These charts were intended to give an indication of the range of preparation (from non-professional in-service to advanced professional) implicit in the functions of each group of nursing personnel.

Thus all administrative, supervisory personnel (as reported in *1951 Facts about* Nursing) are separately shown at the extreme right of the chart. Conclusions must not be drawn as to ratios of these administrative, supervisory personnel represented on the chart. Obviously private duty and office nurses, for example, have no relation to this administrative group.

As printing in more than one color is costly, we have suggested a color scheme for use with the charts.

NCINS
NATIONAL COMMITTEE FOR THE IMPROVEMENT OF NURSING SERVICES
2 PARK AVENUE
NEW YORK 16, N. Y.

Non Professional Nursing Personnel

Professional Nursing Personnel

	A	B	C	D	E	F
A Middle Western State	4,150	2,620	1,210	655	605	1,910
A Far Western States	2,975	3,250	920	920	420	1,290
A Southern State	3,350	1,240	970	425	245	520

Key to Chart

A—Auxiliary Workers in Hospitals

B—General Duty

C—Private Duty

D—Doctors' Offices

E—Industry and Public Health

F—Administrators, Supervisors and Instructors

YOUR OWN STATE

IN these charts we have taken several states and shown the distribution of nursing personnel, both professional nurses and auxiliary workers. A state survey, if you have had one, is an excellent source for learning the nursing facts of your own state. With such facts and figures you can easily make your own chart. Such charts as these and those on pages two and three are effective as a visual aid while speaking before groups on any phase of nursing from recruitment to improved services.

U.S. POSTAGE PAID N.Y.

The Montana State Nurses' Association is the professional organization of registered nurses and is affiliated with the American Nurses' Association.

Under the Bylaws which governed the 40th Annual Convention held in Butte in October, 1952, each district was entitled to one delegate for every 10 members.

Because of questions on the part of some members relating to action taken by the House of Delegates in the 39th Convention at Miles City, the following is taken from the minutes:

"Legislation for an inclusive Nursing Practice Act be introduced in 1953 legislature; this legislation to be mandatory for the professional nurse and permissive for the practical nurse."

Mrs. Lela M. Anderson moved the adoption of this recommendation. Seconded, carried.

The question on whether legislation to revise the Nurse Practice Act should be presented to the 1953 legislature was again brought up at the Butte Convention. Every district except District 12 had delegates present and voting. A standing vote showed the following:

District Number	Counties	Delegates Allowed	Delegates Voting (to introduce bill)
1	Missoula Granite Mineral Lake Sanders	9	9
2	Silver Bow Powell Deer Lodge Beaverhead	16	13 (3 not voting)
3	Gallatin Madison	3	3
4	Lewis & Clark Jefferson Broadwater Meagher	5	5

District Number	Counties	Delegates Allowed	Delegates Voting
5	Yellowstone Stillwater Carbon Big Horn Treasure	9	8 (1 absent)
6	Cascade Teton Pondera Glacier Chouteau Glacier Toole	7	7
7	Hill Liberty Blaine	5	4 (1 absent)
8	Flathead Lincoln	2	2
9	Fergus Judith Basin Wheatland Golden Valley Petroleum Musselshell	1	1
10	Custer Rosebud Powder River Carter Fallon	5	4 (1 absent)
11	Garfield Prairie Dawson Wibaux	2	2
12	Daniels Sheridan Roosevelt Richland	1	
13	Ravalli	1	1
14	Park Sweet Grass	2	2
15	Valley Phillips	1	1
	Total	69	61

February 24, 1953

MR. PRESIDENT:

We, your Committee on PUBLIC HEALTH AND SAFETY

having had under consideration House *Bill No.* 74

A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL SECTIONS 66-1201 THROUGH 66-1220, INCLUSIVE, REVISED CODES OF MONTANA, 1947, AND TO ENACT, IN LIEU THEREOF, ANEW AND REVISED NURSING PRACTICE ACT TO BE CITED AS THE MONTANA NURSING PRACTICE ACT, TO REGULATE THE PRACTICE OF NURSING BY PROFESSIONAL NURSES, AND THE PRACTICE OF NURSING BY PRACTICAL NURSES; TO ESTABLISH THE MONTANA STATE BOARD OF NURSING WITH DUAL FUNCTIONS POWERS AND DUTIES (a) IN THE FIELD OF PROFESSIONAL NURSING AND (b) IN THE FIELD OF PRACTICAL NURSING, AND TO PROVIDE SEPARATE ADMINISTRATIONS BY A BOARD OF FIVE (5) MEMBERS IN THE FIELD OF PROFESSIONAL NURSING AND BY A BOARD OF EIGHT (8) MEMBERS IN THE FIELD OF PRACTICAL NURSING, UNDER BOARD ADMINISTRATION SEPARATE AND EXCLUSIVE FOR EACH CLASSIFICATION OF NURSING; TO DEFINE THE POWERS AND DUTIES OF SUCH BOARD AS RESPECTS EACH SEPARATE ADMINISTRATION; TO ENDOW SUCH BOARD WITH POWER TO MAKE RULES AND REGULATIONS, APPROPRIATE TO BOTH THE PROFESSIONAL NURSING ADMINISTRATION AND THE PRACTICAL NURSING ADMINISTRATION, WITHIN THE LIMITS OF THE SUBJECT MATTER OF THIS ACT; TO PROVIDE FOR LICENSING OF EACH CLASS OF NURSES, AFTER EXAMINATION OR BY ENDORSEMENT WITHOUT EXAMINATION; TO FIX THE QUALIFICATIONS OF APPLICANTS FOR LICENSES IN EACH FIELD, AND TO AUTHORIZE THE USE OF APPROPRIATE TITLES AND ABBREVIATIONS OF TITLES FOR EACH CLASS OF NURSE; TO PROVIDE FOR RENEWAL OF LICENSES; TO INVEST THE BOARD WITH DESIGNATED DISCIPLINARY POWERS TO BE EXERCISED SUBJECT TO DUE PROCESS OF LAW; TO PROVIDE FOR THE EXEMPTION OF CERTAIN PERSONS FROM THE OPERATION OF THE ACT UNDER DESIGNATED CIRCUMSTANCES; TO FIX PENALTIES FOR VIOLATIONS OF THE ACT; TO PROVIDE FOR JUDICIAL REVIEW OF THE ACTS OF THE GOVERNOR AND OF THE BOARD IN CONNECTION WITH THE OPERATION AND ADMINISTRATION OF THIS ACT; AND TO PROVIDE FOR THE ORDERLY TRANSITION OF BUSINESS FROM THE EXISTING MONTANA STATE BOARD OF NURSE EXAMINERS, AND FOR COORDINATION WITH THE PRECEDING BOARD IN THE TRANSFER OF RECORDS AND FUNDS TO THE BOARD CREATED BY THIS ACT."

Respectfully report as follows: That ~~House~~ *Bills No.*

Respectfully report as follows: That House Bill No. 74

BE CONCURRED IN.

~~XXX~~

Do Pass.

3

Chairman

February 26, 1953

MR. PRESIDENT:

We, your Committee on PUBLIC HEALTH AND SAFETY

having had under consideration HOUSE *Bill No.* 74

A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL SECTIONS 66-1201 THROUGH 66-1220, INCLUSIVE, REVISED CODES OF MONTANA 1947, AND TO ENACT, IN LIEU THEREOF, AND HEREBY, A NEW AND REVISED NURSING PRACTICE ACT TO BE CITED AS THE MONTANA NURSING PRACTICE ACT, TO REGULATE THE PRACTICE OF NURSING BY PROFESSIONAL NURSES, AND THE PRACTICE OF NURSING BY PRACTICAL NURSES; TO ESTABLISH THE MONTANA STATE BOARD OF NURSING WITH DUAL FUNCTIONS, POWERS AND DUTIES (a) IN THE FIELD OF PROFESSIONAL NURSING AND (b) IN THE FIELD OF PRACTICAL NURSING, AND TO PROVIDE SEPARATE ADMINISTRATIONS BY A BOARD OF FIVE (5) MEMBERS IN THE FIELD OF PROFESSIONAL NURSING AND BY A BOARD OF EIGHT (8) MEMBERS IN THE FIELD OF PRACTICAL NURSING, UNDER BOARD ADMINISTRATIONS SEPARATE AND EXCLUSIVE FOR EACH CLASSIFICATION OF NURSING; TO DEFINE THE POWERS AND DUTIES OF SUCH

Respectfully report as follows: That [illegible] *Bills No.* [illegible]

BOARD AS RESPECTS EACH SEPARATE ADMINISTRATION; TO ENDOW SUCH BOARD WITH POWER TO MAKE RULES AND REGULATIONS, APPROPRIATE TO BOTH THE PROFESSIONAL NURSING ADMINISTRATION AND THE PRACTICAL NURSING ADMINISTRATION, WITHIN THE LIMITS OF THE SUBJECT MATTER OF THIS ACT; TO PROVIDE FOR LICENSING OF EACH CLASS OF NURSES, AFTER EXAMINATION OR BY ENDORSEMENT WITHOUT EXAMINATION; TO FIX THE QUALIFICATIONS OF APPLICANTS FOR LICENSES IN EACH FIELD, AND TO AUTHORIZE THE USE OF APPROPRIATE TITLES AND ABBREVIATIONS OF TITLES FOR EACH CLASS OF NURSES; TO PROVIDE FOR RENEWAL OF LICENSES; TO INVEST THE BOARD WITH DESIGNATED DISCIPLINARY POWERS TO BE EXERCISED SUBJECT TO DUE PROCESS OF LAW; TO PROVIDE FOR THE EXEMPTION OF CERTAIN PERSONS FROM THE OPERATION OF THE ACT UNDER DESIGNATED CIRCUMSTANCES; TO FIX PENALTIES FOR VIOLATIONS OF THE ACT; TO PROVIDE FOR JUDICIAL REVIEW OF THE ACTS OF THE GOVERNOR AND OF THE BOARD IN CONNECTION WITH THE OPERATION AND ADMINISTRATION OF THIS ACT; AND TO PROVIDE FOR THE ORDERLY TRANSITION OF BUSINESS FROM THE EXISTING MONTANA STATE BOARD OF NURSE EXAMINERS, AND FOR COORDINATION WITH THE PRECEDING BOARD IN THE TRANSFER OF RECORDS AND FUNDS TO THE BOARD CREATED BY THIS ACT."

Respectfully report as follows: That HOUSE Bill No. 74

be amended in Section 3 of the printed bill by striking in line 18, after the word "term", the words and figure: "The five (5)"; and striking all of lines 19 to 41 inclusive; and inserting in lieu thereof the following:

"Within thirty days after this Act becomes effective the Governor shall appoint five (5) registered professional nurses, who shall constitute the Montana State Board of Nursing--professional nursing administration. One of the five original appointments of registered professional nurses shall be for five (5) years, one shall be for four (4) years, one shall

DO PASS

3

[illegible] *Chairman*

be for three (3) years, one shall be for two (2) years, and one shall be for one (1) year. Within thirty days after this act becomes effective the Governor shall appoint three (3) practical nurses members to the Board for the practical nursing administration. One of the three original appointments of practical nurses shall be for five (5) years, one shall be for three (3) years, and one shall be for one (1) year." ;

and amend Section 4 of the printed bill by striking all of the material in line 13 and all of the material in line 22.

BE CONCURRED IN AS AMENDED.

_____ Chairman

education shall adopt and cause to be prepared a seal for the university of Montana constituted as herein prescribed, which seal shall contain on the face thereof the words 'university of Montana', which words shall be arranged on said seal as the state board of education may prescribe. Said seal shall remain in the custody of the secretary of the state board of education, and the same shall be affixed to all diplomas, and all other papers, instruments, and documents executed by the said university of Montana, which from their character or nature may require a seal."

Seal to be affixed to diplomas and appropriate papers.

Amending clause.

Section 9. That Section 75-408, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Powers and duties of presidents of institutions.

"75-408. (858) **Powers and Duties of Presidents of Several Institutions.** The presidents of each of the educational institutions constituting the university of Montana, as herein prescribed, in connection with their respective executive boards of the several institutions, as now prescribed by law, shall have the immediate direction, management, and control of their respective institutions, subject to the general supervision, direction and control of the state board of education. The president of a unit of the university of Montana shall not act as the executive *secretary* of the university system."

President ineligible to act as secretary to university system.

Approved March 9, 1953.

CHAPTER 243

An Act to Repeal Sections 66-1201 Through 66-1220, Inclusive, Revised Codes of Montana, 1947, and to Enact, in Lieu Thereof, and Hereby, a New and Revised Nursing Practice Act to be Cited as the Montana Nursing Practice Act, to Regulate the Practice of Nursing by Professional Nurses, and the Practice of Nursing by Practical Nurses; to Establish the Montana State Board of Nursing With Dual Functions, Powers and Duties (a) in the Field of Professional Nursing and (b) in the Field of Practical Nursing, and to Provide Separate Administrations by a Board of Five (5) Members in the Field of Professional Nursing and by a Board of Eight (8) Members in the Field of Practical Nursing, Under Board Administrations Separate and Exclusive

for Each Classification of Nursing; to Define the Powers and Duties of Such Board as Respects Each Separate Administration; to Endow Such Board With Power to Make Rules and Regulations, Appropriate to Both the Professional Nursing Administration and the Practical Nursing Administration, Within the Limits of the Subject Matter of This Act; to Provide for Licensing of Each Class of Nurses, After Examination or by Endorsement Without Examination; to Fix the Qualifications of Applicants for Licenses in Each Field, and to Authorize the Use of Appropriate Titles and Abbreviations of Titles for Each Class of Nurses; to Provide for Renewal of Licenses; to Invest the Board With Designated Disciplinary Powers to be Exercised Subject to Due Process of Law; to Provide for the Exemption of Certain Persons From the Operation of the Act Under Designated Circumstances; to Fix Penalties for Violations of the Act; to Provide for Judicial Review of the Acts of the Governor and of the Board in Connection With the Operation and Administration of This Act; and to Provide for the Orderly Transition of Business From the Existing Montana State Board of Nurse Examiners, and for Coordination With the Preceding Board in the Transfer of Records and Funds to the Board Created by This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose stated.

Section 1. **Purpose.** In order to safeguard life and health (a) any person practicing or offering to practice professional nursing in this state for compensation or personal gain, shall be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided; and,

In order to safeguard life and health (b) any person practicing or offering to practice practical nursing in this state as a certified or licensed practical nurse, shall be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided.

After January 1, 1954, it shall be unlawful for any person to use any title, abbreviation, sign, card, or device to indicate that such person is (a) a registered or professional nurse (b) a certified or licensed practical nurse

unless such person has been duly licensed under the provisions of this act, and the license of such person shall be valid and in force in compliance with the provisions of this act.

How act cited.

Section 2. **Citation of Act — Definition of Board — Identification of Board When Administering Act for Professional Nursing and for Practical Nursing — Definition of Terms.** This act may be cited as the Montana nursing practice act.

The use of the feminine gender shall include the masculine gender and vice versa.

Definition of "board."

As used in this act the term or word "board" means the Montana state board of nursing created by this act, with dual functions (a) in the field of professional nursing and (b) in the field of practical nursing, and irrespective of the number or members of the board when functioning in either of said fields. In all matters relating to "professional nursing" the board shall consist of five (5) members to be qualified and appointed as hereinafter provided. In all matters relating to "practical nursing" the board shall consist of eight (8) members, five (5) of whom shall be identical with the five (5) member board, and the remaining three (3) members to be qualified and appointed as hereinafter provided. The board of five (5) members may for convenience be referred to as the Montana state board of nursing followed by the words "professional nursing administration," and the board of eight (8) members may, for convenience, be referred to as the Montana state board of nursing, followed by the words "practical nursing administration."

"Professional nursing."

"Practical nursing."

The practice of nursing embraces two classes of nursing service and activity, defined, respectively, as follows:

Defining "professional nursing."

(1) A person practices professional nursing who for compensation or personal gain, performs any professional nursing services requiring the application of principles of the biological, physical or social sciences and nursing skills in the care of the sick, in the prevention of disease or in the conservation of health.

Defining "practical nursing."

(2) A person practices practical nursing who for compensation or personal gain cares for selected convalescent, subacutely and chronically ill patients, and who assists the professional nurse in a team relationship, especially in the care of those more acutely ill. She provides nursing service in institutions, and in private homes where she is prepared to give household assistance when necessary. She may be employed by a private individual, a hospital or a health agency. The practical nurse works under the direct supervision of a registered nurse where such supervision is possible and obtainable, and similarly, under the direct supervision of a physician.

Creation of Montana state board of nursing.

Section 3. **Creation of the Montana State Board of Nursing — Dual Functions — Addition of Practical Nurses to Membership of Board When Functioning in Field of Practical Nursing — Appointment — Term of Office — Removal of Members From Office — Seal — Board Records Public — Legal Counsel.** There is hereby created a licensing, administrative and supervisory board to function in the field of professional nursing and, also, in the field of practical nursing, which board shall be known as the Montana state board of nursing, subject to the further identification for each administrative field as in section 2 above provided. The governor shall appoint a board consisting of five (5) registered professional nurses, which shall be and constitute the Montana state board of nursing — professional nursing administration. The said board, together with three (3) practical nurses who shall be appointed by the governor from the field of practical nursing as herein provided, shall constitute the Montana state board of nursing — practical nursing administration. The term of appointment as a member of the board, whether exercising functions in the field of professional nursing (five-member board), or in the field of practical nursing (eight-member board), shall be five (5) years, and no person shall be appointed for more than two (2) consecutive terms. Any appointment to fill any vacancy shall be for the unexpired portion of the term. Within thirty days after this act becomes effective the governor shall appoint five (5) registered professional nurses, who shall constitute the Montana state board of nursing — professional nursing administration. One of the five original appointments of registered professional nurses shall be for five (5) years, one shall be for four (4) years, one shall be for three (3) years, one shall be for two (2) years, and one shall be for one (1) year. Within

Appointment, membership.

Terms.

Appointment professional nursing administration.

Appointment practical nursing administration.

thirty days after this act becomes effective the governor shall appoint three (3) practical nurse members to the board of practical nursing administration. One of the three original appointments of practical nurses shall be for five (5) years, one shall be for three (3) years, and one shall be for one (1) year.

Removal, notice and hearing.

The governor may remove any member from the board, however constituted, for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct, but none of the powers above-enumerated shall be exercised unless the member shall have been first served with verified charges in writing, such charges heard at public hearing before the board under its appropriate administration, whereat the person charged may be represented by counsel, on not less than twenty (20) days' notice of such hearing; the decision of the board shall be stated in writing and filed with the secretary, and a true, signed copy thereof served upon the person charged. The decision of the board shall be subject to judicial review both on the facts and the law, by writ of review (certiorari) in the appropriate district court on the whole record in the matter including the record before the board and the governor.

Judicial review.

Official seal.

The board shall have a seal which shall be used to authenticate its acts as said board, under each administration. The seal shall have inscribed thereon the words "Montana state board of nursing" — "official seal" and such device or legend as may be designated by the board.

Board's records public.

The records and files of the board shall at all times be open to public inspection.

Legal counsel.

The attorney general of the State of Montana shall be, ex officio, the duly authorized attorney and legal counsel for the board; but the board may, with the approval of the attorney general, appoint additional legal counsel to assist it in the administration and enforcement of the within act, as may be necessary or advisable.

Qualifications.

Section 4. **Qualifications of Members of Board in the Respective Administrations of Professional and Practical Nursing.** Each professional nurse member of the board shall:

Professional nurse members.

(1) Be a citizen of the United States;

(2) Be a resident of this state for at least one (1) year prior to appointment;

(3) Have graduated from an approved school of nursing;

(4) Be licensed as a registered nurse in this state;

(5) Have had at least five (5) years' experience in nursing following graduation. At least three (3) members shall have had at least three (3) years in administrative, teaching, or supervisory experience in schools of nursing;

(6) Have been actively engaged in nursing for at least three (3) years immediately prior to appointment or reappointment;

Practical nurse members.

Each practical nurse member of the board shall:

(1) Be a citizen of the United States;

(2) Be a resident of this state for at least one (1) year prior to appointment;

(3) After July 1, 1957, shall be a graduate of a school of practical nursing;

(4) Be licensed as a practical nurse in this state;

(5) Have had at least three (3) years' experience as a practical nurse and have been actively engaged in the practice of practical nursing for at least two (2) years immediately prior to appointment or reappointment;

Exception original practical nurse appointees.

Each original appointee for the practical nursing administration shall meet all the qualifications necessary for appointment, with the exception of being licensed as a practical nurse in this state and graduation from a school of practical nursing.

Oath.

Each member of the board, however constituted, shall subscribe and file with the secretary of state the constitutional oath of office before beginning the term of office.

Organization.

Section 5. **Organization — Duties and Powers — Separation of Records Responsive to Functions of Board — Dual Administrations to Be Exclusive of Each Other.** The Montana state board of nursing inclusive of the practical nursing administration, shall meet annually in the

month of July in each year and shall elect from among the eight (8) members a president and a secretary, each of whom shall be a professional nurse, and such board shall also appoint and employ an executive secretary, qualified as hereinafter provided, who shall not be a member of the board. The Montana state board of nursing, inclusive of the practical nursing administration, shall hold such other meetings during the year as may be deemed necessary to transact its business. The Montana state board of nursing -- professional nursing administration, shall meet annually in July of each year, and shall hold such other meetings during the year as may be deemed necessary to transact its business. A majority of the board, as separately constituted for each administration, including in such majority at least one officer of the board, shall constitute a quorum at any meeting, provided that when sitting as the practical nursing administration, a quorum shall consist of a minimum of two (2) practical nurse members and three (3) professional nurse members, including one board officer. The Montana state board of nursing, convened and acting from time to time under its separate administrations, shall keep separate and complete minutes and records of the respective administration meetings and of the rules, regulations and orders promulgated by each administration, and each administration shall exercise its functions and powers and carry out its duties exclusive of the other, except for the fidelity and membership as in this act provided.

Meetings.

Professional nurse members.

Separate minutes and record for each administration.

The board under each administration is authorized to adopt, and from time to time revise such rules and regulations, not inconsistent with law, and within the subject matter delegated to each administration by this act, as may be necessary to enable the respective administrations to carry into effect the provisions of this act, as delegated to each. The board under each nursing administration shall prescribe such curricula and standards for schools and courses preparing persons for registration and licensure under this act. It shall provide for surveys of such schools and courses at such times as it may deem necessary. It shall approve such schools and courses as meet the requirements of this act and of the board. It shall evaluate and approve courses for affiliation of student nurses. Under each administration the board shall

Separate rules and regulations.

Powers and duties.

examine, license and renew licenses of duly qualified applicants. It shall conduct hearings upon charges calling for discipline of a licensee or revocation of license or removal of schools of nursing from the approved list. It shall have power to issue subpoenas, and compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings. It shall cause the prosecution of all persons violating this act and have power to incur necessary expenses therefor.

The board under each administration shall have power to adopt and publish such forms for use by applicants and others, including license, certificate and identity forms, and other appropriate forms and publications as may be convenient for the proper administration of this act, and shall have the power to fix reasonable fees for incidental services, all within the subject matter delegated to each administration by this act. All such forms shall make clear reference to the administration for which the form is intended.

Forms.

The board, inclusive of the practical nursing administration, shall appoint and employ one qualified person to serve as executive secretary to the board, including the practical nursing administration, and it shall fix the compensation and define the duties of such employment. It may employ such other persons as may be necessary to carry on the work of the board under each administration.

One executive secretary.

The executive secretary to be appointed shall be a citizen of the United States, a graduate of an approved school of nursing and of a college or university. She shall be a registered nurse with at least five (5) years' experience in teaching or administration, or both, in a school of nursing approved by the board.

Qualifications of executive secretary.

Except as otherwise required by the context of the language used, the powers and duties enumerated in this act shall be exercised and performed by the Montana state board of nursing -- professional nursing administration, in all matters relating to professional nurses or professional nursing education, and shall be exercised and performed by the said board inclusive of the practical nursing administration in all matters relating to practical nurses and practical nursing education. The officers, appointees and employees of the Montana state board of nursing shall also

Dual administrations exclusive of each other.

be the officers, appointees and employees of the board inclusive of the practical nursing administration.

Compensation, reimbursement for expenses.

Section 6. **Reimbursement for Expenses — Compensation.** Each member of the Montana state board of nursing, however constituted, shall be paid hotel, travel and other necessary expenses, and shall be paid, in addition, fifteen dollars ($15.00) per day for each day actually engaged in the discharge of duties under this act, including all the time spent in actual attendance at any meeting of the board, however constituted, and in direct travel to and from such meetings, and a reasonable number of days for the preparation and administration of examinations.

License qualifications, professional nursing.

Section 7. **Qualifications of Applicants for License to Practice Professional Nursing.** An applicant for a license to practice as a registered professional nurse shall submit to the board, acting under the professional nursing administration, written evidence, verified by oath, that said applicant:

(1) Has successfully completed at least an approved four year high school course of study or the equivalent thereof as determined by the department of public instruction;

(2) Has completed the basic professional curriculum in an approved school of nursing and holds a diploma therefrom;

(3) Shall meet such other qualification requirements as the board may prescribe.

Section 8. **License — by Examination — by Endorsement Without Examination — License Fees.**

License by examination.

(1) By examination. The applicant for license to practice professional nursing shall be required to pass a written examination in such subjects as the board, acting under the professional nursing administration, may determine. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination, the board shall issue to the applicant a license to practice nursing as a registered professional nurse. The applicant shall pay a fee of twenty-five ($25.00) dollars at the time the application is submitted, which fee shall be returned to the applicant, if the application is

withdrawn not later than five (5) days prior to the date of examination, or, if the examination is not taken, subject to deduction by the board of one dollar ($1.00) per subject of the examination which shall be retained by the board.

License by endorsement without examination.

(2) By endorsement without examination. (a) The board, acting under the professional nursing administration, may issue a license to practice nursing as a registered professional nurse without examination, to an applicant who has been duly licensed as a registered professional nurse under the laws of another state, territory or country, if in the opinion of the board the applicant meets the qualifications required of registered nurses in this state at the time the applicant graduated from a school of nursing. The applicant shall pay a fee of twenty dollars ($20.00) at the time the application is submitted, which fee shall be returned to the applicant if the application is withdrawn not later than five (5) days prior to final submission of the application to the board, subject to deduction of five dollars ($5.00), to be retained by the board.

Fee.

Certain practice prior to license by applicant.

(b) An applicant may, pending application for a professional nursing license pursuant to paragraph (a) immediately preceding practice professional nursing as an employee of a physician in her capacity as professional nurse or in a hospital or public health agency for a period not longer than six (6) months from the date the board acknowledges receiving from such nurse a duly completed statement, on a form provided by the board, of intention so to practice. Such statement shall consist of (1) an affidavit by such nurse and (2) an affidavit by the physician employer or by the administrator, assistant administrator, or director of nursing of a hospital or public health agency where such nurse intends to practice professional nursing. The affidavit of such nurse and the affidavit of such physician employer or administrator, assistant administrator or director of nursing of such hospital or public health agency shall contain the information deemed by the board to be necessary for such statement. This paragraph shall not be construed to permit such nurse to practice for more than said six (6) months period, or, in any event, after being notified by the board that application for a license has been denied, or, in all cases, after being notified by the board to cease and desist such

practice; notice in all cases shall be given by registered mail to the address of applicant as the same appears in the statement of applicant.

Title and abbreviation — registered nurse.

Section 9. **Title and Abbreviation of Registered Nurse.** Any person who holds a valid license to practice as a registered professional nurse in this state shall have the right to use the title "registered nurse" and the abbreviation "R. N."

"Grandfather" clause.

Section 10. **Nurses Registered Under Previous Law Deemed Licensed Hereunder.** Any person holding a valid Montana license or certificate to practice nursing as a registered nurse under previous Montana law shall be deemed licensed as a registered nurse under the within act, for the unexpired portion of the license period appearing on such prior license, subject to payment of fees, and renewal fees, to effect renewal and continue such license valid and operative, under the provisions of the within act.

Qualifications practical nurse.

Section 11. **Qualifications of Applicants for Licensed Practical Nurse.** An applicant for a license to practice as a licensed practical nurse shall submit to the board acting under the practical nursing administration written evidence, verified by oath, that the applicant:

(1) Has completed at least two (2) years of high school, or its equivalent, and such other preliminary qualification requirements as the practical nursing administration may prescribe;

(2) Has successfully completed the prescribed curriculum in an approved school of practical nursing and holds a diploma or certificate therefrom, provided that any person who has completed the prescribed course in any recognized school for practical nursing within the State of Montana prior to the effective date of this act, shall be considered to have met this requirement;

(3) Shall meet such other qualification requirements as the board, acting under the practical nursing administration, may prescribe.

License by examination.

Section 12. **License of Practical Nurse by Examination — by Endorsement Without Examination.**

(1) By examination. The applicant for license to practice as a practical nurse shall be required to pass a written

examination in such subjects as the board, acting under the practical nursing administration, may determine. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination the Montana state board of nursing — practical nursing administration, shall issue to the applicant a license to practice as a licensed practical nurse.

License by endorsement without examination.

(2) By endorsement — without examination. The Montana state board of nursing — practical nursing administration, may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed or registered as a licensed practical nurse or person entitled to perform like services under a different title under the laws of another state, territory or country, if in the opinion of the practical nursing administration the applicant meets the requirements for practical nurses in this state.

Waiver of requirements for license prior to July 1, 1955.

Section 13. **Waiver of Certain Requirements for Licensing Practical Nurses Before July 1, 1955.** All applications for license under this waiver section of the within act must be made and delivered to the board before July 1, 1955.

Requirements for special applicants.

The Montana state board of nursing, practical nursing administration, may issue a license to practice as a licensed practical nurse to any person who shall submit written evidence, verified by oath, that said applicant:

(1) Is at least twenty (20) years of age;

(2) Is of good moral character;

(3) Is in good health;

(4) Has lived in and cared for the sick in this state for two out of the three years immediately prior to July 1, 1953.

The application must be endorsed by written statements verified by oath of (a) two doctors of medicine licensed in Montana, or (b) a doctor of medicine licensed in Montana and a registered professional nurse director of nursing of any licensed hospital within the State of Montana, which endorsers must have personal knowledge of the applicant's qualifications.

Written examination.

The applicant shall be required to pass a written examination in such subjects as the board — practical nursing administration, may determine. Each examination may be supplemented by an oral or practical examination.

Fee.

Section 14. **Fee.** The applicant applying for a license to practice as a licensed practical nurse shall pay a fee of fifteen dollars ($15.00) to the board at the time the application is submitted, which fee shall be returned to the applicant if the application is withdrawn not later than five (5) days prior to date of examination or the final submission to the board of application for endorsement without examination, subject to a deduction of five dollars ($5.00) to be retained by the board.

Title and abbreviation, licensed practical nurse.

Section 15. **Title and Abbreviation of Licensed Practical Nurse.** Any person who holds a valid license to practice as a licensed practical nurse in this state shall have the right to use the title "licensed practical nurse" and the abbreviation "L. P. N."

License renewal.

Section 16. **Renewal of License.** The license of every person licensed under the provisions of the act, either as a registered nurse, or a licensed practical nurse, must be annually renewed, except as hereinafter provided. On or before December first of each year, the board shall mail an application form for renewal of license to every person to whom a license was issued or renewed during such year. The applicant shall carefully complete and subscribe the application form and return it to the board with a renewal fee of two dollars ($2.00) before January first, next. Upon receipt of the application and fee the board shall verify the accuracy of the application against its record, and from such other sources as it deems reliable, and issue to the applicant a certificate of renewal for the current year beginning January first and expiring December thirty-first, following. Such certificate of renewal shall render the holder thereof a legal practitioner of nursing for the period stated in the certificate of renewal.

Lapsed licenses.

Any licensee who allows her license to lapse by failing to renew the license as provided above may be reinstated by the board upon satisfactory explanation for such a failure to renew license and on payment of the current renewal fee prescribed by the board.

Practice during lapse illegal.

Any person practicing nursing during any time following the date her license has expired by lapse of time shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of this act.

Fund created.

Section 17. **Fund — Administration and Use — Transfer of Funds From Montana State Board of Nurse Examiners.** There is hereby created the fund of the Montana state board of nursing. The state treasurer of the State of Montana shall be custodian of said fund and shall keep full, detailed account of all receipts, accruals and disbursements of the same. Disbursements from the fund shall be effected by warrants drawn by the state auditor on the fund, pursuant to claims authorized and approved by (a) the Montana state board of nursing, and (b) approved by the Montana state board of examiners. All fees received by the Montana state board of nursing, and all fines collected under this act shall be paid over by the executive secretary to the state treasurer for the credit of said fund, as required by law.

Custody and administration of fund.

All amounts paid into this fund shall be held subject to the order of the Montana state board of nursing to be used for the purposes of meeting necessary expenses incurred in the administration of this act, and the performance of the multiple functions of the board under each administration.

Transfer of board of nurse examiners fund to state board of nursing fund.

All funds which may have accumulated to the credit of the Montana state board of nurse examiners under chapter 12, title "nursing", Section 66-1201 through 66-1220, Revised Codes of Montana, 1947, shall, at the effective date of this act be transferred by the state treasurer to the credit of the Montana state board of nursing created by the within act, and shall be available and expendable for the multiple functions of said board and expended by the board in the administration of this act.

Schools of nursing.

Section 18. **Schools of Nursing — Application for Approval.** An institution desiring to conduct a school of professional or practical nursing shall apply to the board under the appropriate administration, and submit evidence that:

Qualifications.

(1) It is prepared to carry out the prescribed basic professional nursing curriculum or the prescribed curriculum for practical nursing, as the case may be;

(2) It is prepared to meet other standards established by this law and by the Montana state board of nursing.

Survey and approval of nursing schools.

Section 19. **Survey and Approval.** A survey of the institution or institutions with which the school is to be affiliated shall be made by the executive secretary or other authorized employee of the board, who shall submit a detailed written report of the survey to the board. If, in the opinion of the board, the requirements for an approved school of nursing (professional or practical) are met, it shall approve the school as an approved school of nursing.

When the board determines that any approved school of nursing is not maintaining the standards required by the statutes and by the board, notice thereof in writing specifying the defect or defects shall be immediately given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of approved schools of nursing.

Removal from approved list — procedure.

Revocation or suspension of license.

Section 20. **Grounds for Discipline.** The board, acting under the appropriate administration, shall have power to deny any license applied for, or to revoke or suspend any license to practice nursing issued by the board, or to discipline a licensee upon proof that the person:

Grounds.

(1) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing;

(2) Is guilty of a crime or gross immorality;

(3) Is unfit or incompetent by reason of negligence, habit or other causes;

(4) Is habitually intemperate or is addicted to the use of habit-forming drugs;

(5) Is mentally or physically incompetent;

(6) Is guilty of unprofessional conduct;

(7) Has wilfully or repeatedly violated any of the provisions of this act; but only after compliance with the provisions of section 21 of this act, with respect to written, verified complaint, notice of hearing, and personal service of complaint and notice on the person charged, and public hearing before the proper board.

Procedure.

Disciplinary proceedings.

Section 21. **Disciplinary Proceedings.** Upon filing of a sworn complaint, in writing, with the board, charging a person with violation of any one or more of the provisions specified in the preceding section as a ground for disciplinary action, the executive secretary of the board shall fix a time and place for a public hearing before the board to be convened in membership as the five-member board for professional nurses, or as the eight-member board for practical nurses, dependent upon the professional or practical status of the licensee, nurse or person against whom complaint is made, and shall cause a copy of the charges, together with a notice of the time and place, fixed for the hearing, to be served on the person charged at least twenty (20) days prior thereto.

The attendance of witnesses and the production of books, papers and documents at the hearing may be compelled by subpoenas issued by the board on its own motion, or at the request of the complainant or the person charged (accused), which shall be served in accordance with law. At the hearing any member of the board, or its executive secretary, shall administer oaths as may be necessary for the proper conduct of the hearing.

At the hearing the person charged shall have the right to appear either personally or by counsel, or both, to produce witnesses and evidence on his or her own behalf, to cross-examine witnesses and to have subpoenas issued by the board. If the person charged is found guilty of the charges the board may refuse to issue a license to the applicant or may revoke or suspend a license, issued to a licensee. The decision of the board shall be in writing, set out the charges, summarize the evidence and contain the findings of fact and the decision and order of the board. In all cases where the person charged is a practical nurse, the board shall sit as the practical nursing administration. The evidence shall be examined and weighed by application of the rules of evidence in civil actions.

A revoked or suspended license may be reissued after one year, in the discretion of the board.

Appeal.

Any decision of the board under this section shall be subject to judicial review upon the whole record before the board, on both the fact and the law, by writ of review (certiorari).

Exemption of certain persons from act — when and under what circumstances.

Section 22. **Exemption of Persons From Act — When and Under What Circumstances.** No provisions of this law shall be construed as prohibiting gratuitous nursing by friends or members of the family, or as prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers; or as prohibiting nursing assistance in the case of an emergency; nor shall it be construed as prohibiting the practice of nursing by students enrolled in approved schools of nursing or approved courses; nor by the graduates of such schools or courses pending the results of the first licensing examination scheduled by the board following such graduation; nor shall it be construed as prohibiting the practice of nursing in this state by any legally qualified nurse of another state whose engagement requires her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six (6) months in length, provided such person does not represent or hold herself to be a nurse licensed to practice in this state; nor shall it be construed as prohibiting the practice of any legally qualified nurse of another state who is employed by the United States government or any bureau, division or agency thereof, while in the discharge of her official duties.

Religious practice.

Nothing in this act shall be construed as prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of any well-established religion or denomination by adherents thereof; nor shall this act prohibit the practice of practical nursing for hire or otherwise by any person, provided that such person shall not use in connection with her name any designation tending to imply that she is a licensed practical nurse unless then duly licensed so to practice under this act.

This act shall not be construed as conferring any authority to practice (a) medicine or (b) surgery, or (c) any combination thereof, or (d) to confer any authority to practice any of the healing arts prescribed by law to be practiced in the State of Montana, nor (e) to permit any person to undertake the treatment of disease by any of the methods employed in such arts, unless the licensee shall have qualified under the applicable law or laws licensing

the practice of such profession(s) or healing art(s) in the State of Montana.

Violation of act.

Section 23. **Violation of Act — Penalties.** It shall be a misdemeanor for any person (including any corporation, association or individual) to:

(1) Sell or fraudulently obtain or furnish any nursing diploma, license or record or aid or abet therein;

(2) Practice nursing as defined by this act under cover of any diploma, license or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) Practice professional nursing as defined by this act unless duly licensed to do so under the provisions of this act;

(4) Use in connection with her name any designation tending to imply that she is a registered professional nurse or a licensed practical nurse unless duly licensed so to practice under provisions of this act;

(5) Practice nursing during the time her license issued under the provisions of this act shall be suspended, revoked or on inactive status;

(6) Conduct a school of nursing or a course unless the school or course has been approved by the board;

(7) Otherwise violate any provisions of this act.

Penalties.

Such misdemeanor shall be punishable by a fine of not less than one hundred dollars ($100.00) for the first offense. Each subsequent offense shall be punishable by a fine of three hundred dollars ($300.00), or by imprisonment of not more than six (6) months in the county jail, or by both such fine and imprisonment.

District court jurisdiction.

The several district courts within their respective county jurisdictions are hereby empowered to hear, try and determine such misdemeanor and to impose in full the punishment and fines herein prescribed. It shall be necessary to prove, in any prosecution for misdemeanor under this section, only a single act prohibited by law, or a single holding out, or an attempt without proving a general course of conduct in order to constitute a violation.

Board may enjoin violations.

Section 24. **Injunctions.** When it appears to the board that any person is violating any of the provisions of this act, the board may, in its own name, bring an action in a court of competent jurisdiction for an injunction against such violation, and the proper courts of this state may enjoin any person, firm or corporation from violation of this act without regard to whether proceedings have been or may be instituted before the board, or whether criminal proceedings have been or may be instituted.

Severability.

Section 25. **Severability.** If any provision of this act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of the act are declared to be severable.

Transfer of records and funds of previous board.

Section 26. **Coordination With Preceding Board — Transfer of Records and Funds to Board Created by the Within Act.** The board created hereby shall succeed to and receive from the board functioning prior to the passage of the within act all its records, books, papers, accounts, monies and unfinished business and shall complete the business of said predecessor board in accordance with the provisions of this act. Said predecessor board shall deliver to the board created hereby all of said records and funds on July first, 1953, whereupon the existing Montana state board of nurse examiners and all authority vested by law in such existing board shall wholly cease and terminate.

Repealing clause.

Section 27. **Repealing Clause.** Sections 66-1201 to 66-1220, inclusive, of the Revised Codes of Montana, 1947, and all acts and parts of acts in conflict herewith are hereby repealed, effective at noon meridian on July 1, 1953.

Effective date.

Section 28. **Effective Date of Act.** This act shall be in full force and effect from and after noon meridian on July 1, 1953.

Approved March 8, 1953.

CHAPTER 244

An Act to Amend Section 3 of Chapter 199 of the Session Laws of Montana, 1949, Relating to the Foundation Program Schedules for Elementary Schools and High Schools and the Relationship Thereof to the Distribution and Apportionment of the Moneys Coming Into the State Public School Equalization Fund, for the School Years Beginning July 1, 1953 and Ending June 30, 1954, and Beginning July 1, 1954 and Ending June 30, 1955.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 3 of chapter 199 of the session laws of Montana, 1949, be, and the same is hereby amended to read as follows:

Foundation program. July 1, '53 to June 30, '54; July 1, '54 to June 30, '55.

"Section 3. **Foundation Program.** *During the school years beginning July 1, 1953, and ending June 30, 1954, and beginning July 1, 1954, and ending June 30, 1955, the* moneys coming into said state public school equalization fund shall be distributed and apportioned to provide an annual minimum operating revenue for the elementary and high schools in each county, exclusive of revenues required for debt retirement, *the payment of any and all costs and expense incurred in connection with any adult education program, kindergarten, recreation program, school lunch and cafeteria program, new buildings, new grounds, teachers' retirement, tuition and transportation,* in accordance with the following schedules:

Excluding certain items.

ELEMENTARY SCHOOLS

Elementary school schedule.

"(1) For each elementary school having eight (8) or fewer pupils and which, upon the request of the board of trustees of the district, is approved as an isolated school by the county budget board, the district shall receive *two thousand seven hundred dollars ($2,700.00),* and if said school is not approved as an isolated school, then it shall receive *seventeen hundred dollars ($1700.00).*

"(2) Schools with an ANB in excess of eight (8) but less than eighteen (18) pupils, shall receive *twenty-seven hundred dollars ($2700.00),* plus one hundred dollars ($100) per pupil on the basis of average number belonging over eight (8).

"(3) Schools having an ANB of eighteen (18), but less than thirty-one (31), shall receive a maximum of *thirty-seven hundred dollars ($3700.00),* plus *twenty-eight hun-*